

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

BIOFUELS)
OPERATING COMPANY, LLC,)
)
Plaintiff,)
)
v.)
)
PARSONS & WHITTEMORE)
ENTERPRISE CORPORATION,)
)
Defendant.)

No. 07-CIV-8712

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NOTICE OF VOLUNTARY DISMISSAL

Plaintiff BioFuels Operating Company, LLC hereby voluntarily dismisses this action without prejudice. This notice is filed pursuant to Fed. R. Civ. P. 41(a)(1)(i), as Parsons & Whittemore Enterprise Corporation, the adverse party in this matter, has not served an answer or motion for summary judgment.

Respectfully submitted,

BIOFUELS OPERATING COMPANY, LLC,

By its attorneys,

Of counsel:

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Dated: February 8, 2008

s/ David M. Burkoff
David W. Bowker (DB-3029)
David M. Burkoff (DB-9258)
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SO ORDERED

KENNETH M. KARAS U.S.D.J.

6/17/08